

**CLEAN COPY OF THE AMENDED AND NEW CLAIMS**

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1. (Four times amended) A rear gate opening and closing apparatus for automatically opening and closing a rear gate of a vehicle, comprising:

- a power source unit that produces power to actuate said rear gate;
- a slider that transforms said power into a reciprocating motion and for traveling in the longitudinal direction of said vehicle;
- a hinge arm provided for attachment at an upper end of said rear gate so that said rear gate is pivotally connected with said vehicle body;
- a connecting rod that interlocks said slider and said hinge arm, said rod transmitting said reciprocating motion to said hinge arm;
- a mounting base that supports said power source unit and said slider;
- a mounting base installer for detachably installing said mounting base in a space formed by a rear rail, a side rail and an under roof of said vehicle; and
- a gas stay rotatably attachable to said side rail at one end thereof and attached to said hinge arm at the other end thereof, and disposed at substantially the same height as and approximately in parallel with said connecting rod throughout movement of said hinge arm for biasing said rear gate in an opening direction.

c1

4. (Twice amended) The apparatus according to claim 1, further comprising

- a position detector for detecting a position of said rear gate and for outputting a detection signal thereof;
- a manipulator for operating an opening and closing motion of said rear gate; and

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C2  
a controller for controlling said power source unit for actuating said rear gate so as to automatically open and close said rear gate based on an operating signal from said position detector.

C3  
7. (Thrice amended) The apparatus according to claim 4, wherein  
said controller controls said power source unit for actuating said rear gate so as to vary a closing speed so that the rear gate is rotated in a closing direction against a biasing force of said gas stay when said rear gate is in a self-opening zone and the rotation of said rear gate in a closing direction is restricted when said rear gate is in a self-closing zone.

8. (Thrice amended) The apparatus according to claim 4, wherein  
said controller judges, based on said detection signal from said position detector, a fully opened condition of said rear gate when said rear gate performing an opening operation is arrived at a predetermined position.

C4  
11. (Twice amended) The apparatus according to claim 4, wherein  
said controller judges whether or not an opening and closing operation of said rear gate is performed automatically based on a speed of said rear gate at which said rear gate is manually operated,

when the speed of said rear gate, at which said rear gate is manually operated, is within a specified speed range, said controller judges that the opening and closing operation is performed automatically.

C5  
12. (Amended) The apparatus according to claim 4, wherein

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said apparatus has a handle switch for manually opening and closing said rear gate and said controller stops an automatic operation of said rear gate based on a detection signal of said handle switch and disengages said clutch.

*Please add the following new claim:*

CS  
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--17. (New) The apparatus according to claim 4, wherein said controller judges based on said detection signal from said position detector a fully closed condition of said rear gate when said rear gate performing a closing operation is arrived at a predetermined position.--